

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH M. ADZIMAH,

Plaintiff,

-against-

SECRETARY WILBUR L. ROSS, *United
States Department of Commerce,*

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/23/2020

19-cv-9574 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff Joseph Adzimah, proceeding *pro se*, initiated this action by filing a complaint on October 16, 2019 [ECF #2]. Adzimah alleges that his employer, the United States Census Bureau, discriminated against him on the basis of his disability, in violation of the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, and the New York City Human Rights Law. On December 30, 2019, Defendant Wilbur L. Ross, Secretary of the United States Department of Commerce, filed a motion to dismiss the complaint, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for failure to state a claim [ECF #11, 12].

In an Order dated January 6, 2020, the Court granted Adzimah until February 7, 2020 to file an amended complaint [ECF #13]. The Court also explained that “Plaintiff is on notice that declining to amend his pleadings to timely respond to fully briefed arguments in the Defendant’s December 30 motion may well constitute a waiver of the Plaintiff’s right to use the amendment process to cure any defects that have been made apparent by the Defendant’s briefing. *See Loreley Fin. (Jersey) No. 3 Ltd v. Wells Fargo Sec., LLC*, 797 F.3d 160, 190 (2d Cir. 2015).” In a letter dated February 4, 2020, Adzimah requested an extension of time, until February 28, 2020, to amend his complaint [ECF #14], which the Court granted [ECF #16]. In a letter dated February 28, 2020, Adzimah requested “one more extension” of time, “preferably a month,” to

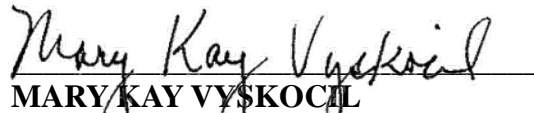
amend his complaint [ECF #18], which the Court again granted. The Court set a new deadline of March 27, 2020 [ECF #19].

Nearly six months has elapsed since the March 27, 2020 deadline, but Adzimah has not filed an amended complaint, nor has he taken any other action to prosecute this case.

Accordingly, IT IS HEREBY ORDERED that, by October 14, 2020, Adzimah shall file either an amended complaint, or a response to Ross's December 30, 2019 motion to dismiss. Adzimah is warned that further failure to comply with the Court's orders and prosecute this case may result in sanctions, including dismissal of his complaint, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

SO ORDERED.

Date: September 23, 2020
New York, NY


MARY KAY VYSKOČIL
United States District Judge